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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

In re DYNAMIC RANDOM ACCESS  
MEMORY (DRAM) ANTITRUST  
LITIGATION

Master File No. M-02-1486 PJH

MDL No. 1486

Case No. C 06-6436 PJH

### This Document Relates to:

STATE OF NEW YORK,

Plaintiff,

V.

MICRON TECHNOLOGY, INC., et al.,

## Defendants.

## STIPULATION AND [PROPOSED] ORDER

Judge: Hon. Phyllis J. Hamilton

WHEREAS New York has been taking discovery, pursuant to the Court Orders dated January 5, 2009 and July 27, 2009, from certain Defendants, including Infineon Technologies AG & Infineon Technologies North America Corp. (the “Infineon defendants”), concerning certain affirmative defenses; and

## STIPULATION AND ORDER

**C 06-6436 (PJH) M 02-1486 (PJH)**

1  
2 WHEREAS the Stipulation and Order dated July 27, 2009 requires the parties to schedule  
3 and conduct Fed. R. Civ. P. 30(b)(6) depositions noticed in 2009 by New York within 150 days  
4 of entry of the Order, *i.e.*, by December 24, 2009; and

5 WHEREAS following extensive meet and confer discussions, New York was able to  
6 schedule and conduct depositions of certain defendants other than the Infineon defendants in  
7 December 2009; and

8 WHEREAS it was not possible, for practical reasons, for New York and the Infineon  
9 defendants to schedule a deposition of an appropriate Infineon witness during the same time  
10 frame as the other depositions that have already been held in December 2009; and

11 WHEREAS New York and Infineon have negotiated in good faith and have reached an  
12 agreement to conduct the deposition on or about January 14, 2010, *i.e.*, after the deadline  
13 otherwise imposed by the July 27, 2009 Stipulation and Order;

14 IT IS HEREBY STIPULATED BY NEW YORK AND THE INFINEON DEFENDANTS  
15 THAT:

16 Paragraph 8(b) of the Stipulation and Order dated July 27, 2009 is hereby modified so as  
17 to permit New York to depose an Infineon witness pursuant to New York's 2009 Fed. R. Civ. P.  
18 30(b)(6) Notice of Deposition on or about January 14, 2010. Aside from this date modification,  
19 the remainder of the stipulation shall remain in place and shall have the same force and effect on  
20 the deposition of the Infineon witness as if the deposition had taken place prior to December 24,  
21 2009.

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23 //

24 //

25 **STIPULATION AND ORDER**

26 **C 06-6436 (PJH) M 02-1486 (PJH)**

1 Dated: December 18, 2009  
2

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23 Counsel for Infineon Technologies AG &  
24 Infineon Technologies North America Corp.

25 Dated: 12/18/09

26 SO ORDERED:

27 U.S.M.J. JOSEPH S.  
28 